IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1468 OF 2006

Rajesham Ramayya Jakhani ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. N.V. Iyer for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 24th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No.I-207 of 2005 registered with the Kumbharwada Police Station for the offence punishable under sections 302, 201 of the Indian Penal Code.

3. The applicant is a Manager of a Powerloom Factory. One person entered the factory at about 11.30 p.m. The applicant suspected that he was a thief. The applicant and the owner of the factory, therefore, apprehended him and the applicant assaulted him with a wooden stick. This was witnessed by two persons who

entered the factory premises. The applicant then took the injured to the hospital and, there, he gave different version stating that the injured person had met with an accident. He admitted the injured by giving false name. The injured, however, succumbed to the injury.

4. In the present case, charge-sheet has been filed. It is an admitted position that the witnesses have stated that the applicant assaulted the deceased in the compound of the factory premises. The applicant also had taken him to the hospital.

5. Since the charge-sheet has been filed and the applicant is not a habitual criminal but had apparently assaulted the deceased because he felt that he was a thief, in my view, this is a fit case for grant of bail. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to the Kumbharwada Police Station once in a month during the pendency of the trial. The applicant shall not tamper with the evidence or threaten any of the witnesses.

6. The trial court shall not be influenced by any observation made by this Court while deciding this

criminal application and the same may not be construed to mean as an expression of opinion on the merits of the case and decide the case on its own merits and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.